

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3478

United States of America,

Appellee,

v.

Minor Moody,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: March 28, 2002

Filed: April 4, 2002

Before BOWMAN, LOKEN, and MURPHY, Circuit Judges.

PER CURIAM.

Minor Moody appeals from the district court's¹ commitment order following proceedings under 18 U.S.C. § 4246. Having carefully reviewed the record, and having considered the unanimous expert opinion, we reject Moody's contention that the district court clearly erred in finding he suffered from a mental disease or defect such that his unconditional release would create a substantial risk of danger. See

¹The HONORABLE GARY A. FENNER, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the HONORABLE JAMES C. ENGLAND, United States Magistrate Judge for the Western District of Missouri.

United States v. S.A., 129 F.3d 995, 1000 (8th Cir. 1997) (standard of review), cert. denied, 523 U.S. 1011 (1998). Accordingly, we affirm the judgment of the district court committing Moody to the custody of the Attorney General pending the location of a suitable facility to oversee his conditional release. We grant counsel's motion to withdraw, over Moody's resistance.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.